

**AGENDA - COUNCIL MEETING - TUESDAY - SEPTEMBER 14, 2004 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**  
with notes of action taken

**MOTIONS 2004-0990 to 2004-1007**  
**ORDINANCES – 2004-0954 to 2004-0968**  
**RESOLUTION – 2004-0018**

**2004-0989-1**

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Sekula-Gibbs

**1:30 P. M. - ROLL CALL**

**ADOPT MINUTES OF PREVIOUS MEETING**

**2:00 P. M. - PUBLIC SPEAKERS** - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

**Motion 2004-0990 – Procedural motion**

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - SEPTEMBER 15, 2004 - 9:00 A. M.**

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE  
CITY SECRETARY PRIOR TO COMMENCEMENT

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 1 through 22**

**MISCELLANEOUS** - NUMBER 1

**1. Motion 2004-1001**

RECOMMENDATION from Director Houston Airport System for expenditure for specialized training to be conducted by **TEXAS A&M UNIVERSITY** for Aircraft Rescue and Fire Fighting at George Bush Intercontinental and William P. Hobby Airports - \$74,000.00 - Enterprise Fund

**ACCEPT WORK** - NUMBERS 2 through 4

**2. Motion 2004-0999**

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$253,306.00 and acceptance of work on contract with **PYRAMID WATERPROOFING, INC** for Roof Replacement at Fire Stations 28, 70, 76 and 78, GFS C-0090-02-3 - 02.55% over the original contract amount - **DISTRICTS C - GOLDBERG; E - WISEMAN; F - KHAN and G - HOLM**

**3. Motion 2004-1002**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$818,066.52 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for Construction of City of Houston's National Pollution Discharge Elimination System - Storm Water Pollution Minimization Plan - 747 Evergreen, GFS M-0126-49-3 (SM-5021) - 03.57% over the original contract amount - **DISTRICT I - ALVARADO**

**4. Motion 2004-1003**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,404,916.00 and acceptance of work on contract with **BL TECHNOLOGY, INC** for Miscellaneous Wastewater Treatment Plant Automation Improvements, GFS R-0512-08-3 (4278-1) - 00.71% over the original contract amount **DISTRICTS A - LAWRENCE; G - HOLM and I - ALVARADO**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 5 through 7

**5. Council Member Sekula-Gibbs tagged**

**TRAYLOR MOTORS HOMES, INC** for Mobile Health Clinic for Health & Human Services Department - \$144,351.00 - Grant Fund

**6. Motion 2004-1000**

**OUTDOOR OUTFITS** (Bid #3) for Rain Suits for Fire Department - \$202,620.00 minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$196,541.40 - General Fund

**7. Motion 2004-1004**

**ORR SAFETY CORPORATION (Bid No. 9)** for Scott Air Paks and Replacement Parts Contract for Various Departments - \$2,635,239.03 minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$2,556,181.86 - General and Enterprise Funds

**RESOLUTIONS AND ORDINANCES** - NUMBERS 8 through 22

**8. Ordinance 2004-0963**

ORDINANCE suspending the effective date of new electric rates filed by **ENTERGY GULF STATES, INC** for all customers within the City of Houston, Texas

**9. Resolution 2004-0018**

RESOLUTION authorizing the City of Houston, Texas, to join a coalition of cities and to intervene in proceedings pending before the Public Utility Commission of Texas and in proceedings related thereto concerning the application of **ENTERGY GULF STATES, INC** to change electric rates and to reconcile fuel balances; authorizing the City Attorney to represent the City and to take appropriate actions relating to such proceedings

**RESOLUTIONS AND ORDINANCES** - continued

**10. Council Member Galloway tagged**

ORDINANCE naming a private street located between Westhollow Drive and Panaguard Drive as Queensbury View Path - **DISTRICT G - HOLM**

**Motion 2004-0991 – Suspend rules to consider Items 11, 13, 16, 26, 29 and 23 out of order**

**11. Ordinance 2004-0954**

ORDINANCE approving and authorizing Standard Utility Agreement No. U-8297 between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** to Reimburse the City of Houston for the Cost of Relocating Water Lines in the Right-of-way of the Katy Freeway GFS S-0900-97-2 (WA10624-07) - **DISTRICT A - LAWRENCE**

**12. Ordinance 2004-0959**

ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT (HCFCD)** for Use of HCFCD Property by the Houston Fire Department to conduct a Fire Protection Training Session

**13. Council Member Edwards tagged**

ORDINANCE appropriating \$1,300,000.00 out of Homeless and Housing Consolidated Fund as a Cash Match; approving and authorizing the submittal of a grant application to the **U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** for Lead-Based Paint Hazard Reduction Control Grant Program; declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department to act as the City's Representative in the application process; authorizing the Director of Health and Human Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$3,000,000.00

**14. Ordinance 2004-0964**

ORDINANCE amending Ordinance No. 2004-788 to substitute \$500,000.00 of Federal "HOME" Funds for \$500,000.00 of Federal "CDBG" Funds as the funding source in connection with the development of the Jefferson Davis Hospital Building as Affordable Rental Housing - **DISTRICT H - GARCIA**

**15. Ordinance 2004-0965**

ORDINANCE approving and authorizing Agreement between the City of Houston and **HOUSTON CHINESE SENIOR HOUSING CORPORATION** using Federal "HOME" Funds to provide a loan in the amount of \$415,000.00 to finance a portion of the costs to acquire land and construct an apartment building at 6338 Corporate Drive, Houston, Texas, to house low and very-low income elderly residents - **DISTRICT F - KHAN**

**16. Council Members Garcia and Edwards tagged**

ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON-GALVESTON AREA COUNCIL (HGAC)** and the acceptance of grant funds for the FY05 Illegal Dumping Community Action Program - \$250,533.05 - Grant Fund

**17. Ordinance 2004-0960**

ORDINANCE approving and authorizing first amendment to contract between the City and **XEROX CORPORATION** for Page Printer Maintenance Services

**18. Council Members Wiseman, Garcia and Sekula-Gibbs tagged**

ORDINANCE approving and authorizing second amendment to contract between the City of Houston and **BUFFALO RIDES, INC** for Hermann Park Miniature Train Ride Concession - Revenue

**RESOLUTIONS AND ORDINANCES** - continued

**19. Ordinance 2004-0968**

ORDINANCE approving and authorizing contract between the City and **TDINDUSTRIES, LTD.** for Operations and Maintenance Services for Convention & Entertainment Facilities Department; providing a maximum contract amount - 3 Years with two one-year options - \$19,767,809.00 Enterprise Fund

**20. Ordinance 2004-0961**

ORDINANCE appropriating \$150,000.00 out of Urban Planning Grant Fund 130; Org. 1125 for the Parks and Recreation Department, and approving and authorizing purchase of 1.8384 acres of land located at 723 North Drennan Street, adjacent to Tony Marron Park, for Park and Open Space purposes (Project #F0513-00-1) - **DISTRICT H - GARCIA**

**21. Ordinance 2004-0962**

ORDINANCE appropriating \$228,300.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing purchase of land and improvements thereon out of Greenview Manor Sections One and Two, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-48.1; approving purchase and sale agreements with the owners of the land (Mary Christine Gonzales and Elias S. Gonzales; and Bertha Molina) - **DISTRICT B - GALLOWAY**

**22. Ordinance 2004-0966**

ORDINANCE approving and authorizing amendment No. 1 to contract between the City of Houston and **ROGER H. BATES, a sole proprietor**, for Professional Consulting Services in connection with a Traffic and Earnings Report and General Financial Advisory Services for Houston Airport System - 3 Years - \$400,000.00 - Enterprise Fund - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO**

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**MATTERS HELD** - NUMBERS 23 through 31

**Motion 2004-0994 – Call the question on Item 23**

**Motion 2004-0995 – Council Member Green/seconded by Council Member Alvarado offered a substitute motion for the motion contained in Item 23 to provide the following:**

“The appropriation of City funds, for facilities or the leasing of property, by any privately developed cultural project, including the African-American History Museum, will be contingent on (1) development of a policy, adopted by City Council, specifying criteria for City participation in such projects, which should be principally privately funded; and (2) completion of a formal review by the Administration and a report to Council of its findings, as to a proposed project’s compliance with the policy, as part of the appropriation request.

Before any City funds are released, the policy should address the amount of private funding and the plans for private funding of the construction, operation and maintenance of the facilities. The financing of the City contributions, to cultural and arts organizations, shall not be derived from proceeds of City General Obligation bonds.”

**MATTERS HELD** - continued

**23. Motion 2004-0995 – see above**

Council Member Holm presented the following written motion to amend Item 23B below:

“Amendment #1: FY2005-2009 Capital Improvement Plan

Deletion of D-0118 Houston Museum of African American Culture, unless alternative funding sources can be identified that create no impact on the general fund.”

**TAGGED BY COUNCIL MEMBERS GALLOWAY, GOLDBERG, SEKULA-GIBBS, LAWRENCE, WISEMAN, KHAN and ALVARADO**

**Motion 2004-0996 – Call the question on Item 23a**

**a. Mayor ruled out of order – “MOOT”**

Council Member Goldberg presented the following written motion to amend Item 23B below:

“Amendment to Agenda Item 23B

Description of Project:

Appropriate \$2 Million Dollars for construction of the “Asia House” in FY07.”

**TAGGED BY COUNCIL MEMBER GOLDBERG**

**Motion 2004-0997 – Shall the ruling of the Chair be sustained – Adopted**

**b. Motion 2004-0998 – As amended**

MOTION by Council Member Khan/Seconded by Council Member Ellis to adopt recommendation from the Chief Administrative Officer, Mayors Office to approve proposed Fiscal Year 2005-2009 Capital Improvement Plan and establish a charge of \$50.00 plus tax and postage for the purchase of the adopted CIP documents

**TAGGED BY COUNCIL MEMBER GALLOWAY**

This was Item 1 on Agenda of September 8, 2004

**24. Motion 2004-1005 – Postpone one (1) week**

RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2003 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2004 MTFP in map form - **TAGGED BY COUNCIL MEMBERS WISEMAN, LAWRENCE, GALLOWAY, QUAN and EDWARDS**

**LAWRENCE, GALLOWAY, QUAN and EDWARDS**

This was Item 4 on Agenda of September 8, 2004

**Motion 2004-0992 – Suspend rules to consider Items 25, 25a and 25b out of order**

**25. Ordinance 2004-0955**

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by **AMENDING SECTION 44-5** relating to the exemption of certain historic sites from ad valorem taxation

**a. Ordinance 2004-0956**

ORDINANCE providing for an ad valorem tax exemption on a historical site known as the Sweeney Building located at 301 Main Street - **DISTRICT I - ALVARADO**

**b. Ordinance 2004-0957**

ORDINANCE providing for an ad valorem tax exemption on a historical site known as the Pillot Building located at 300 Fannin Street - **DISTRICT I - ALVARADO**

**TAGGED BY COUNCIL MEMBERS GOLDBERG and EDWARDS**

These were Items 13, 13A and 13B on Agenda of September 8, 2004

**MATTERS HELD** – continued

**26. Ordinance 2004-0958**

ORDINANCE providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Year 2004

**TAGGED BY COUNCIL MEMBERS WISEMAN and ALVARADO**

This was item 14 on Agenda of September 8, 2004

**27. Ordinance 2004-0967**

ORDINANCE approving and authorizing Memorandum of Understanding in connection with Installation and Initial Management of a Wireless Local Area Network System for Wireless Internet ("WiFi") Service at George Bush Intercontinental Airport/Houston and William P. Hobby Airport, between the City of Houston and **SPRINTCOM, INC** - Revenue - **DISTRICTS B - GALLOWAY and I - ALVARADO** - **TAGGED BY COUNCIL MEMBER ALVARADO**

This was Item 32 on Agenda of September 9, 2004

**28. Council Member Garcia tagged**

ORDINANCE approving and authorizing Communication Equipment Licenses at George Bush Intercontinental Airport/Houston between the City of Houston and the following companies: (1) **SPRINTCOM, INC** and (2) **VOICESTREAM HOUSTON, INC** - Revenue - **DISTRICT B - GALLOWAY** - **TAGGED BY COUNCIL MEMBER ALVARADO**

This was Item 33 on Agenda of September 9, 2004

**29. Motion 2004-0993 – Refer back to the Administration**

MOTION by Council Member Edwards/Seconded by Council Member Alvarado after review of the record on the appeal filed by Mr. Christopher Downey on behalf of Mr. Abudu Alli of United Foreign Auto Salvage, 5028 W. Fuqua, of the decision of the Automotive Board to revoke his Motor Vehicle Dealer License, the decision of the Automotive Board be upheld and the appeal be denied - **TAGGED BY COUNCIL MEMBER QUAN**

This was Item 40 on Agenda of September 8, 2004

**30. Motion 2004-1006 – Postpone one (1) week**

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from John Weddle, on behalf of C. M. Garver, trustee, for abandonment and sale of Avenue B, from 75th Street to 76th Street, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, both located within Magnolia Park, Section 2, Parcels SY5-003 and DY5-005 - **2 APPRAISERS and 1 ALTERNATE APPRAISER - DISTRICT I - ALVARADO**

**TAGGED BY COUNCIL MEMBER ALVARADO**

This was Item 41 on Agenda of September 8, 2004

**31. Motion 2004-1007 - Adopt**

MOTION by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from Director Convention & Entertainment Facilities Department for approval of Supplemental Budget submitted by the Arts Council of Houston/Harris County - \$202,872.00 Enterprise Fund - **POSTPONED BY MOTION #2004-987, 9/8/04**

This was Item 44 on Agenda of September 8, 2004

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Wiseman first

**ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER**

**NOTE** - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

**9/14/2004 – All Present**

**9/15/2004 – All Present**